

REMARKS

Applicants again respectfully request that the Office change the Attorney Docket Number associated with this case from "00/21107" to --12298/48501--.

Claims 1-38, 40-82, and 84-93 are pending in this application. Claims 39 and 83 are hereby cancelled without prejudice to or disclaimer of the subject matter contained therein. Claim 40 has been rewritten to clarify the invention by including the limitation dependent claim 83. Claims 1-38, 77-81 and 87-93 are allowed. Claims 39-64, 66, 70-76, 82 and 84-86 are rejected. Of those claims, claims 39-57, 59-64, 66, 70-76, 82 and 84-86 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,652,043 to Nitzan (hereinafter "*Nitzan*") and claim 58 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Nitzan*. Claim 39 has been cancelled by this amendment, accordingly the rejection of that claim is moot. Claims 65, 67-69 and 83 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 83 has been cancelled without prejudice to or disclaimer of the subject matter contained therein. Accordingly the objection to that claim is moot.

Applicants thank the Examiner for the indication that claims 1-38, 77-81, and 87-93 are allowed.

Applicants also thank the examiner for the indications that claims 65, 67-69 and 83 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Instead of rewriting dependent claim 83 to include all the limitations of independent claim 40, Applicants have rewritten independent claim 40 to include all the limitations of dependent claim 83. Accordingly independent claim 40 is now allowable. A Notice to that effect is respectfully requested.

Objected to dependent claim 65 depends from dependent claim 63, which depends from dependent claim 47, which in turn depends from now-allowable independent claim 40. As claim 40 is allowable, it stands to reason that dependent claim 65, which indirectly depends from claim 40, should also be allowable. A Notice to that effect is respectfully requested.

Objected to claims 67-69 depend from dependent claim 66, which depends from dependent claim 48, which in turn depends from allowable claim 40. As claim 40 is allowable, it stands to reason that dependent claims 67-69, which indirectly depend from claim 40, should also be allowable. A Notice to that effect is respectfully requested.

While not necessarily agreeing with the Office, but in a sincere effort to advance the application toward allowance, Applicants have canceled rejected claim 39 without prejudice to or disclaimer of the subject matter contained therein. Accordingly the rejection of claim 39 is moot.

Claims 40, 41-57, 59-64, 66, 70-76, 82 and 84-86 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Nitzan*. Claim 58 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Nitzan*. Applicants respectfully traverse these rejections. *Nitzan* fails to disclose at least an electrochemical cell “wherein there is no separately added separator” as recited in independent claim 40.

Nitzan relates to an electrolyte layer adhered to a negative and a positive pole layer. *Nitzan* at col. 5:10-25. *Nitzan*’s electrolyte layer “includes a porous insoluble substance, such as but not limited to, filter paper, plastic membrane, cellulose membrane, cloth, etc.” *Id.* at col. 5:26-32.

As independent claim 40 is not anticipated by *Nitzan*, it stands to reason that dependent claims 41-57, 58, 59-64, 66, 70-76, 82 and 84-86, which depend directly or indirectly from independent claim 40, are likewise not anticipated by or rendered unpatentable over *Nitzan*. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejections of claims 41-57, 59-64, 66, 70-76, 82 and 84-86, and the 35 U.S.C. §103(a) rejection of claim 58. Applicants respectfully suggest that these claims are allowable. A Notice to that effect is respectfully requested.


Accordingly, as described above, claims 1-38, 40-82, and 84-93 are pending in this application. Applicants respectfully request withdrawal of each of the above-identified rejections and objections and an indication that all claims are allowable.

While it is believed that no fee is due, the Office is hereby authorized to charge all required fees, including all required claim fees under 37 C.F.R. §1.16, or to credit any overpayments to Deposit Account 11-0600.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: August 10, 2005


Michael I. Angert
Reg. No. 46,522

Kenyon & Kenyon
1500 K Street, NW, Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4393
Fax: (202) 220-4201